

AMENDED IN SENATE MAY 30, 2000

AMENDED IN SENATE APRIL 10, 2000

SENATE BILL

No. 1729

Introduced by Senator Hayden

February 23, 2000

An act to amend Sections 17212 and 17212.5 of, ~~and to add Section 17297.5 to~~, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1729, as amended, Hayden. School seismic safety.

Existing law, the Field Act, provides for seismic safety review and approval of school building design and construction by the Department of General Services.

This bill would, notwithstanding any provision of law to the contrary, require that any approval relating to the seismic safety of the design, construction, or condition, of any school building under the Field Act include an assessment by an engineering geologist developed in consultation with a registered geotechnical engineer. The bill would require the department to provide for state-level monitoring and review of related school district seismic hazard mitigation measures. To the extent that this bill imposes additional requirements upon school districts, this bill would impose a state-mandated local program.

Existing law requires the governing board of a school district to have a prospective schoolsite investigated and evaluated by competent personnel, and requires the

investigation to include geological and engineering studies if the site is located within the boundaries of a special studies zone, as defined, regarding proximity to earthquake fault zones that present seismic safety concerns.

This bill would ~~make these provisions applicable to construction of a school building on a site already owned by a school district, and would~~ make a technical, nonsubstantive reorganization of the provisions relating to these geological and engineering studies.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17212 of the Education Code is
2 amended to read:
3 17212. (a) The governing board of a school district,
4 prior to acquiring any site on which it proposes to
5 construct any school building as defined in Section 17283,
6 ~~or prior to constructing a school building on a site that it~~
7 ~~already owns~~, shall have the site, or sites, under
8 consideration investigated by competent personnel to
9 ensure that the final site selection is determined by an
10 evaluation of all factors affecting the public interest and
11 is not limited to selection on the basis of raw land cost
12 only.
13 (b) The investigation shall include any geological and
14 soil engineering studies needed to provide an assessment
15 of the nature of the site and potential for earthquake or

1 other geologic hazard damage. The studies shall include
2 an assessment by an engineering geologist who is
3 certified pursuant to Section 7842 of the Business and
4 Professions Code. The assessment of the engineering
5 geologist shall be developed in consultation with a
6 geotechnical engineer registered pursuant to Section
7 6736.1 of the Business and Professions Code.

8 (c) If the assessment indicates that the school building
9 presents a potential seismic hazard, the Department of
10 General Services shall, with the assistance of any
11 appropriately qualified state agencies, provide for
12 state-level monitoring and review of related school
13 district evaluation, recommendation, and
14 implementation, of proposed seismic hazard mitigation
15 measures.

16 (d) The geological and soil engineering studies of the
17 site shall be of a nature that would preclude siting of a
18 school in any location where the geological and site
19 characteristics are such that the construction effort
20 required to make the school building safe for occupancy
21 is economically unfeasible.

22 (e) No studies are required to be made if the site or
23 sites under consideration have been the subject of
24 adequate prior studies.

25 (f) The evaluation shall also include location of the site
26 with respect to population, transportation, water supply,
27 waste disposal facilities, utilities, traffic hazards, surface
28 drainage conditions, and other factors affecting the
29 operating costs, as well as the initial costs, of the total
30 project.

31 SEC. 2. Section 17212.5 of the Education Code is
32 amended to read:

33 17212.5. (a) Geological and soil engineering studies
34 as described in Section 17212 shall be made, within the
35 boundaries of any special studies zone, for the
36 construction of any school building as defined in Section
37 17283, or if the estimated cost exceeds twenty thousand
38 dollars (\$20,000), for the reconstruction or alteration of or
39 addition to any school building for work which alters
40 structural elements. The Department of General

1 Services may require similar geological and soil
2 engineering studies for the construction or alteration of
3 any school building on a site located outside of the
4 boundaries of any special studies zone. No studies need be
5 made if the site under consideration has been the subject
6 of adequate prior studies.

7 (b) No school building shall be constructed,
8 reconstructed, or relocated on the trace of a geological
9 fault along which surface rupture can reasonably be
10 expected to occur within the life of the school building.

11 (c) A copy of the report of each investigation
12 conducted pursuant to this section shall be submitted to
13 the Department of General Services pursuant to Article
14 3 (commencing with Section 17280) of this chapter and
15 to the State Department of Education. The cost of
16 geological and soil engineering studies and investigations
17 conducted pursuant to this section may be treated as a
18 capital expenditure.

19 For the purposes of this article, a special studies zone
20 is an area which is identified as an earthquake fault zone
21 on any map, or maps, compiled by the State Geologist
22 pursuant to Chapter 7.5 (commencing with Section 2621)
23 of Division 2 of the Public Resources Code.

24 SEC. 3. Notwithstanding Section 17610 of the
25 Government Code, if the Commission on State Mandates
26 determines that this act contains costs mandated by the
27 state, reimbursement to local agencies and school
28 districts for those costs shall be made pursuant to Part 7
29 (commencing with Section 17500) of Division 4 of Title
30 2 of the Government Code. If the statewide cost of the
31 claim for reimbursement does not exceed one million
32 dollars (\$1,000,000), reimbursement shall be made from
33 the State Mandates Claims Fund.